REMARKS

Claims 1-20 are pending in the present application.

Claims 1-20 have been rejected.

No claims have been allowed.

Applicants request reconsideration of Claims 1-20 in view of the following arguments.

In Section 1 of the November 20, 2003 Office Action, the Examiner stated that the information disclosure statement filed in the paragraph entitled "Cross-Reference to Related Applications" on page 2 of the present application fails to comply with 37 C.F.R. §1.98(a)(1), which requires a list of all patents, publications or other information submitted for consideration by the Office. The Examiner asserted that the USPTO application serial number, not the docket number, of the related patent application must be provided in the cross-reference paragraph in order to be considered. Accordingly, the Applicants have amended the cross-reference paragraph by replacing the docket number with the Application Serial Number, "09/475,766," of the related patent application. The Applicants note, however, that since related Patent Application Serial No. 09/475,766 was filed on the same day as the present application, Patent Application Serial No. 09/475,766 is not a suitable prior art reference for the present application.

In Section 2 of the November 20, 2003 Office Action, the Examiner objected to the claims of the present application because the phrase "capable of" in some of the claims is not a positive limitation and does not constitute a limitation in any patentable sense. The Applicants respectfully disagree with the Examiner's objection. The Applicants electronically searched the United States Patent and Trademark Office database to find issued patents that contained the phrase "capable of" in

one or more claims. The search found 189,393 patents having the phrase "capable of" in at least one claim. The Applicants respectfully submit that this result demonstrates that the phrase "capable of" is already widely accepted claim language.

In Section 3 of the November 20, 2003 Office Action, the Examiner rejected Claims 1-5, 7-13, 15-18 and 20 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,321,336 to *Applegate et al.* (hereafter, "*Applegate*"). The Examiner asserted, among other things, that all of the elements recited in independent Claims 1, 9 an 17 are disclosed in the *Applegate* reference in FIGURE 1 and in the text at column 3, lines 33-46 and in the text at column 5, lines 33-64.

In Section 4 of the November 20, 2003 Office Action, the Examiner rejected Claims 6, 14 and 19 under 35 U.S.C. §103(a) as being unpatentable over *Applegate* in view of United States Patent No. 5,603,084 to *Henry et al.* (hereafter, "*Henry*"). The Examiner asserted, in essence, that limitations recited in Claims 6, 14, and 19 regarding "the step of determining that an unprovisioned mobile station [ ] is unauthorized according to a predetermined telephone number" that are not found in the *Applegate* reference are instead found in the *Henry* reference.

The Applicants have reviewed the *Applegate* and *Henry* references in detail and respectfully assert that the Examiner has misunderstood the device described in the *Applegate* reference. The Applicants direct the Examiner's attention to Claim 1, which contains the unique and non-obvious limitations emphasized below:

> 1. (Original) For use in a wireless network comprising a plurality of base stations, each of said base stations capable of communicating with a plurality of mobile stations, a <u>security device capable of preventing an unprovisioned one of said</u>

> plurality of mobile stations from accessing an Internet protocol (IP) data network through said wireless network, said security device comprising:
>
> a first controller capable of receiving from said unprovisioned mobile station an IP data packet comprising an IP packet header and an IP packet payload and replacing said IP packet header with a replacement IP packet header comprising an IP address of a selected one of at least one provisioning server of said wireless network. (emphasis added)

The Applicants respectfully assert that the above-emphasized limitations of Claim 1 are not disclosed, suggested, or even hinted at in the *Applegate* reference.

In rejecting independent Claims 1, 9 and 17, the Examiner relied upon the text at column 3, lines 33-46 of the *Applegate* reference, which states (in its entirety):

> In one embodiment of the present invention, a processing system 100 of the present invention uses a server 102, such as a Microsoft Windows™ NT Server, to communicate to an unprotected external network 104 such as the Internet. System 100 can include a workstation 106 communicating through a firewall 110 to the unprotected network. In one embodiment, the firewall 110 is an application level gateway operating to process traffic. As such, it can review not only the message traffic but also message content. In addition, it provides authentication and identification services, access control and auditing. The firewall application provides protocol level filtration and indigenous Transmission Control Protocol/Internet Protocol (TCP/IP) stack protection without modification of the TCP/IP stack.

In rejecting independent Claims 1, 9 and 17, the Examiner also relied upon the text at column 5, lines 33-64 of the *Applegate* reference, which states (in its entirety):

> The message packet is then passed along 366 to TCP/IP 226. The modified message packet has: source IP address 199.198.10.2, source port 1024, destination IP address 199.198.10.1, and destination port 21. The IP layer then examines the IP header, determines that the message is destined for the Firewall machine and accepts it. TCP/IP passes the message along to the FTP proxy, which is listening for incoming messages. The FTP proxy 310 obtains the message, verifies that the FTP connection is permitted by an access control entry, and hides the internal source of the message from the external network.
>
> The FTP proxy requests the Session Control Block 364 corresponding to the pending connection from the NDIS Shim. The Session Control Block contains,

> among other things, the actual destination address which is needed to get the message to the external FTP server. (Keep in mind that the destination address was previously changed to the address of the Firewall itself.) The proxy then performs an ACL query to determine if the connection between the source and destination is allowed at this time. If the connection is permitted, the proxy must hide the internal source of the message. To do this, the FTP proxy modifies the IP and TCP headers to: source IP address 199.100.20.1, source port 1028, destination IP address 170.12.3.1, and destination port 21, at 368. Note the source IP address is changed to the firewall's external address. Thus, all packets appear to have originated on the external side of the firewall, thereby hiding all internal addresses. The FTP proxy also replaces the destination IP address with the actual destination address originally requested by the FTP client, so that the packet will go to the correct Internet site.

The Applicants respectfully assert that neither the above-cited portions nor any other portion of the *Applegate* reference discloses the unique and non-obvious limitations recited in Claim 1. The *Applegate* reference does not mention the base stations of a wireless network or mobile stations that communicate with those base stations. The *Applegate* reference also makes no mention of a provisioning server or of readdressing data packets from an unprovisioned mobile station with the Internet protocol (IP) address of a provisioning server of the wireless network. The device disclosed in the *Applegate* reference is, quite simply, unrelated to the present invention. Moreover, the *Henry* reference does nothing to overcome the shortcomings of the *Applegate* reference with respect to the unique and non-obvious limitations recited in Claim 1.

In sum, independent Claim 1 contains unique and non-obvious limitations that are not disclosed, suggested, or even hinted at in the *Applegate* reference or the *Henry* reference, or the combination of the *Applegate* and *Henry* references. This being the case, Claim 1 is patentable over the *Applegate* and *Henry* references. Dependent Claims 2-8 depend from independent Claim 1 and

contain all of the unique and non-obvious limitations recited in Claim 1. Thus, Claims 2-8 also are patentable over the *Applegate* and *Henry* references.

Additionally, independent Claims 9 and 17 contain limitations that are analogous to the unique and non-obvious limitations recited in Claim 1. This being the case, Claims 9 and 17 are patentable over the *Applegate* and *Henry* references. Finally, dependent Claims 10-16, which depend from independent Claim 9, and dependent Claims 18-20, which depend from Claim 17, contain all of the unique and non-obvious limitations recited in Claim 9 and Claim 17, respectively. Thus, Claims 10-16 and 18-20 are patentable over the cited references.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ***jmockler@davismunck.com***.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,
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